

**DATE:** January 28, 2013

**TO:** RMC Governing Board

**FROM:** Mark Stanley, Executive Officer

**SUBJECT:** Item 7: Executive Officer's Report- Legislation and Initiatives

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Initiative Measures	<a href="http://www.caag.state.ca.us/initiatives/activeindex.htm">http://www.caag.state.ca.us/initiatives/activeindex.htm</a>

## **FEDERAL BILLS**

**Current as of January 22, 2013.**

The November 6, 2012, elections gave President Obama another four years to implement ambitious outdoors policies, headed by the America's Great Outdoors initiative. The elections also resulted in Senate Democrats and Independents gaining two more seats for a 55-45 majority. That is two more votes that could prove crucial in approving appropriations bills and heading off filibusters targeting park policies.

The Executive Administration and the current Congress (113<sup>th</sup> Congress) must address a budget sequester that could impose 8.2 percent across-the-board spending cuts on January 3, 2013. President Obama and Congressional leaders say they will try to head off the sequester over the next month.

### **Farm Bill (S 3240) target for conflicting wildlife/hunting bills**

The Senate is being asked to choose among several hunting and fishing amendments during its consideration of a Farm Bill (S 3240). The amendments include a House-passed measure that would declare public lands open for hunting unless specifically closed to hunting.

The amendment that may stand the best chance of passage does not contain controversial provisions that are in the recently-passed House wildlife bill.

That amendment (SA 2232), from Senator Jon Tester (D-Mont.) and Senator John Thune (R-S.D.), would do such things as dedicate 1.5 percent of federal land acquisition money to hunting and fishing access on the public lands. Tester told the Montana press that the Democratic leadership assured him the amendment would be accepted. But Senator James Risch (R-Idaho) is asking the Senate to accept the House bill. His amendment (SA 2302), introduced June 11, 2012, would declare all public lands open to hunting and fishing, unless specifically closed; require state approval before a President could designate national monuments; declare hunting and fishing as "necessary" for the management of wilderness and potential wilderness areas; authorize the import of dead polar bears; and exempt hunting and fishing gear from the Toxic Substances Control Act.

The House approved the Risch amendment as a stand-alone bill (HR 4089) April 17, 2012, by a strong 274-to-146 vote. The Farm Bill (S 3240) is a must-pass measure that Congress tries to renew every five years. However, this year senators have introduced more than 250 amendments, many of them non-germane, to the annoyance of Senate Agriculture Committee leaders.

In addition the House Bill/Risch amendment has stirred up opposition on its own. The National Parks Conservation Association (NPCA) says it could lead to hunting in national parks. In one objection, NPCA said that even though the bill does not “require” national parks and monuments to be opened for hunting, they still may be opened. Additional arguments for and against this bill are ongoing between both houses of the federal legislature, including arguments from special user groups and associations.

Summaries taken from Federal Parks & Recreation bulletin. Website: <http://www.plnfpr.com>.

**H.R.2018: Clean Water Cooperative Federalism Act of 2011**  
**Sponsor:** [Rep Mica, John L.](#) [FL-7] (Introduced 5/26/2011)

Amends the Federal Water Pollution Control Act (commonly known as the Clean Water Act) to prohibit the Administrator of the Environmental Protection Agency (EPA) from: (1) promulgating a revised or new water quality standard for a pollutant when the Administrator has approved a state water quality standard for such pollutant unless the state concurs with the Administrator's determination that the revised or new standard is necessary to meet the requirements of such Act; (2) taking action to supersede a state's determination that a discharge will comply with effluent limitations, water quality standards, controls on the discharge of pollutants, and toxic and pretreatment effluent standards under such Act; (3) withdrawing approval of a state program under the National Pollution Discharge Elimination System (NPDES), limiting federal financial assistance for a state NPDES program, or objecting to the issuance of a NPDES permit by a state on the basis that the Administrator disagrees with the state regarding the implementation of an approved water quality standard or the implementation of any federal guidance that directs the interpretation of such standard; and (4) prohibiting the specification of any defined area as a disposal site for the discharge of dredged or fill material into navigable waters and denying or restricting the use of such area as a disposal site in a permit if the state where the discharge originates does not concur with the Administrator's determination that the discharge will result in an unacceptable adverse effect on municipal water supplies, shellfish beds, and fishery areas.

Shortens the period in which the Director of the United States Fish and Wildlife Service must submit comments with respect to a general dredge and fill permit application. Requires the Administrator and other agencies to submit comments on an application for a general permit or a permit to discharge into navigable waters at specified disposal sites within 30 days (or 60 days if additional time is requested) after the date of receipt of such application. Applies this Act to actions taken on or after this Act's date of enactment, including actions taken with respect to permit applications that are pending or revised or new standards that are being promulgated.

**Latest Major Action:** 7/18/2011 Read twice. Placed on Senate Legislative Calendar under General Orders. Calendar No. 103. **House Reports:** [112-139](#) **Related Bill:** [H.RES.347](#)

**APPROPRIATIONS 2011 (INTERIOR)** Fiscal Year 2012 bill approved by the **House Subcommittee on Interior and the Environment Appropriations.**

The bill proposes drastic cuts to the Land and Water Conservation Fund (LWCF) reducing the program by 80 percent from fiscal year (FY) 2011 levels that were already 30 percent below the FY 2010 levels. The bill sets the FY 2012 funding level for LWCF at only \$61 million, compared with the \$300 million approved by Congress for FY 2011. The bill also proposes only \$3 million for the Forest Legacy Program, which is funded through LWCF and protects working forests, water, and public access to recreation across the country. This is a 95 percent reduction from FY 2011 levels. The bill now moves on to consideration by the full House Appropriations Committee next week. LWCF is the principal federal program for conservation of key lands within our national parks, forests, wildlife refuges, and other popular and sensitive areas, and for support of state and local parks and recreation. The program is funded using a fraction of offshore oil and gas revenues, and unlike other federal spending, uses no taxpayer dollars.

**HR 1 (Rogers).** House approved February 19, 2012. Senate appropriators propose March 4, 2012. House would reduce spending for most outdoor programs, particularly Land and Water Conservation Fund (LWCF). **Title VII: Interior, Environment, and Related Agencies - (Sec. 1701)** Decreases appropriations for the Department of Interior's Bureau of Land Management (BLM) for management of lands and resources, construction activities, and land acquisition.

**(Sec. 1704)** Decreases appropriations to the U.S. Fish and Wildlife Service (USFWS) for resource management, construction activities, land acquisition, the Cooperative Endangered Species Conservation Fund, the Neo-tropical Migratory Bird Conservation Act, and the Multinational Species Conservation Fund. Rescinds all remaining unobligated amounts from prior year appropriations for the Landowner Incentive Program.

**(Sec. 1714)** Decreases appropriations to the National Park Service (NPS) for operation of the National Park System, national recreation and preservation, the Historic Preservation Fund, construction activities, and expenses necessary to carry out the Land and Water Conservation Act of 1965, including for acquisition of lands or waters. Eliminates appropriations for Park Partnership Project Grants, Preserve America grants, Save America's Treasures grants, the state assistance program for land acquisition, and American Battlefield Protection Program grants. Rescinds specified amounts of unobligated balances of amounts made available for: (1) the project at Cape Hatteras National Seashore in North Carolina; and (2) the project at Blue Ridge Parkway in North Carolina.

**Latest Major Action:** 3/9/2011 Senate floor actions. Status: Returned to the Calendar. Calendar No. 14. No bill number yet. House subcommittee approved July 22, 2010. Would roughly maintain FY 2010 spending with some increase for LWCF.

#### **URBAN PARKS HR 709 (Sires).**

Sires introduced February 15, 2012. Would provide \$450 million per year to rehabilitate urban parks. Requires the Secretary of Housing and Urban Development (HUD) to promulgate regulations establishing an urban revitalization and livable communities program to provide federal grants to eligible local governments for various park and recreation purposes, including grants for rehabilitation and construction, innovation, at-risk youth recreation, and recovery action programs. Allows an applicant, at its discretion, to transfer a grant in whole or in part to private nonprofit agencies for recreational areas and facilities they own or operate which offer recreational opportunities to the general population.

Requires an applicant, for project approval, to submit to the Secretary evidence of its commitment to ongoing planning, rehabilitation, service, operation, and maintenance programs for its park and recreation systems, expressed in a five-year local park and recreation recovery action program.

Prohibits the conversion of any property improved or developed with assistance under this Act, without HUD approval, for uses other than for public recreation. Limits to 10 percent the use of funds appropriated for rehabilitation and construction grants for acquisition of land or interests in land.

**Latest Major Action: 3/23/2011** Referred to House subcommittee. Status: Referred to the Subcommittee on Insurance, Housing and Community Opportunity.

#### **HR 1964 Conservation Easement Incentive Act of 2011**

**Sponsor** [Rep Gerlach, Jim](#) [PA-6] (introduced 5/24/2011) with 260 Cosponsors. Amends the Internal Revenue Code to make permanent the tax deduction for charitable contributions by individuals and corporations of real property interests for conservation purposes. Bill expands the federal tax incentive for conservation easement donations by private landowners.

**Latest Major Action: 5/24/2011** Referred to House committee. Status: Referred to the House Committee on Ways and Means. **Related Bill:** [S.339](#)

### **STATE LEGISLATION Current as of 1/22/2013**

#### **LEGISLATION RELATED TO FINANCE**

##### **SB 65: Leno. 2013-14 Budget.**

This bill would make appropriations for support of state government for the 2013-14 fiscal year. This bill would declare that it is to take effect immediately as a budget bill. Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no. This bill has specific allocations for each of the 10 Statewide conservancies, including the Rivers and Mountains Conservancy for amounts specified from the California Environmental License Plate Fund to the current bond sources including funding from Propositions 40, 50 and 84.

##### **LAST HIST. ACT. DATE: 01/10/2013**

**LAST HIST. ACTION:** Introduced. Read first time. Referred to Com. on Budget & Fiscal Review

**COMM. LOCATION:** SEN BUDGET AND FISCAL REVIEW

##### **SB 1: Steinberg. Sustainable Communities Investment Authority.**

The Community Redevelopment Law authorizes the establishment of redevelopment agencies in communities to address the effects of blight, as defined. Existing law dissolved redevelopment agencies and community development agencies, as of February 1, 2012, and provides for the designation of successor agencies. Existing law provides for various economic development program that foster community sustainability and community and economic development initiatives throughout the state.

This bill would authorize certain public entities of a Sustainable Communities Investment Area, as described, to form a Sustainable Communities Investment Authority (authority) to carry out the Community Redevelopment Law in a specified manner.

The bill would require the authority to adopt a Sustainable Communities Investment Plan for a Sustainable Communities Investment Area and authorize the authority to include in that plan a provision for the receipt of tax increment funds provided that certain economic development and planning requirements are met. The bill would authorize the legislative body of a city or county forming an authority to dedicate any portion of its net available revenue, as defined, to the authority through its Sustainable Communities Investment Plan. The bill would require the authority to contract for an independent financial and performance audit every 5 years. The bill would establish prequalification requirements for entities that will receive more than \$1,000,000 from the Sustainable Communities Investment Authority and would require the Department of Industrial Relations to monitor and enforce compliance with prevailing wage requirements for specified projects within a Sustainable Communities Investment Area. The bill would deposit moneys received by the department from developer charges related to the costs of monitoring and enforcement in the State Public Works Enforcement Fund. By depositing a new source of revenue in the State Public Works Enforcement Fund, a continuously appropriated special fund, the bill would make an appropriation. Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

**LAST HIST. ACT. DATE: 01/10/2013**

LAST HIST. ACTION: Referred to Coms. on GOV. & F. and T. & H.

COMM. LOCATION: SEN GOVERNANCE AND FINANCE

## **LEGISLATION RELATED TO WATER**

### **SB 40: Pavley. Safe, Clean, and Reliable Drinking Water Supply Act of 2012.**

Existing law creates the Safe, Clean, and Reliable Drinking Water Supply Act of 2012, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$11,140,000,000 pursuant to the State General Obligation Bond Law to finance a safe drinking water and water supply reliability program. Existing law provides for the submission of the bond act to the voters at the November 4, 2014, statewide general election. This bill would declare the intent of the Legislature to amend the Safe, Clean, and Reliable Drinking Water Supply Act of 2012 for the purpose of reducing and potentially refocusing the \$11,140,000,000 bond.

**LAST HIST. ACT. DATE: 01/17/2013**

LAST HIST. ACTION: From committee with author's amendments. Read second time and amended. Re-referred to Com. on Rules.

### **SB 42: Wolk. The California Clean, Secure Water Supply and Delta Recovery Act of 2014**

SB 42, as introduced, Wolk. The California Clean, Secure Water Supply and Delta Recovery Act of 2014 (1) Existing law creates the Safe, Clean, and Reliable Drinking Water Supply Act of 2012, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$11,140,000,000 pursuant to the State General Obligation Bond Law to finance a safe drinking water and water supply reliability program. Existing law provides for the submission of the bond act to the voters at the November 4, 2014, statewide general election.

This bill would repeal these provisions. (2) Under existing law, various measures have been approved by the voters to provide funds for water supply and protection facilities and programs. This bill would enact the California Clean, Secure Water Supply and Delta Recovery Act of 2014, which, if adopted by the voters, would authorize the issuance of bonds in an unspecified amount pursuant to the State General Obligation Bond Law to finance a clean, secure water supply and Sacramento-San Joaquin Delta recovery program.

The bill would provide for the submission of the bond act to the voters at the November 4, 2014, statewide general election Vote: 2/3. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

Through this plan, all conservancy funds would be vetted through the Wildlife Conservation Board (WCB) and be available on a competitive basis.

**LAST HIST. ACT. DATE: 01/10/2013**

LAST HIST. ACTION: Referred to Com. on N.R. & W.

COMM. LOCATION: SEN NATURAL RESOURCES AND WATER

### **Attorney General Report: Parks Officials Systematically squirreled away money January 4, 2013**

The office of California Attorney General **Kamala Harris** released the results of its investigation into the Parks and Recreation Department's reporting and use of special funds, which was triggered by the revelation of a secret leave-cashout program.

An excerpt of the executive summary of the AG's findings, which concludes that officials for 15 years systematically squirreled away money in the department's [State Parks](#) and Recreation Fund reads as follows:

California's Natural Resources Agency issued a statement on July 20, 2012, advising that preliminary investigation into finances at the Department of Parks and Recreation "has revealed that for at least 12 years the department underreported tens of millions of dollars to the Department of Finance." The statement also advised that, as of the Parks Department's "most recently reported balances," the Department of Finance (DOF) was unaware of \$20,378,000 in the State Parks and Recreation Fund, and \$34,492,000 in the Off-Highway Vehicle (OHV) Fund. It has since been continuously reported that the Parks Department "has been sitting on nearly \$54 million in surplus money for at least 12 years." This report, based on extensive investigation, concludes that the amount of funds intentionally undisclosed is much more limited. This investigation found no evidence of intentional or systematic failure to disclose OHV fund monies to the DOF, including the \$34 million described as having been under-reported to the DOF at the close of fiscal year 2010-11. Instead, the evidence indicates that the historically erratic and at times significantly disparate OHV fund balances reported to the DOF and State Controller's Office (SCO) are largely attributable to the timing and methodology of reporting a variety of multi-million-dollar events to those two control agencies. Examples of such events include large appropriations and deductions, followed by budget report reimbursements, for land purchases not consummated, multi-million-dollar loans of OHV monies to the general fund and errant infusions in the 2010-11 and 2011-12 fiscal years of millions in fuel excise tax dollars later corrected and reclaimed by the Legislature.

In four of the past nineteen years, such events have evidently resulted in anywhere from \$20.5 to \$35.1 million more OHV dollars being over-reported to the DOF when compared to balances reported to the SCO.

The full 14 page Executive Summary by the State Attorney General's office can be accessed at the following link: <http://blogs.sacbee.com/capitolalert/latest/2013/01/california-attorney-general-report-parks-officials-squirreled-away-money.html>

